IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 129 (SS) of 2007

Dinesh Singh Rawat,
S/o Kushal Singh Rawat,
Assistant Coordinator, BRC,
Bin Pithoragarh and twelve others. **……Petitioner.**

Versus

1. State of Uttarakhand through the Secretary, Department of Education, Dehradun.
2. Director of Education, Uttarakhand, Dehradun.
3. Assistant Director of Education, Basic, Kumaon Region, Nainital.
4. District Education Officer, Pithoragarh.
5. Additional District Education Officer, Pithoragarh.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri K.N. Joshi, learned counsel for the petitioners and learned Standing Counsel for respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *to issue the writ, order or direction in the nature of Mandamus directing the respondents to give promotional benefit to the petitioners on the basis of the initial date of appointment.*
2. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to give promotional benefit to the petitioner like other assistant teachers who have been appointed in pursuance of the same advertisement by which the petitioners were also appointed.*

3. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to decide the representation of the petitioners.*

4. *to issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

5. *Award the cost of the petition.*

The stand of the petitioners is that they were appointed by the respondents as Assistant Teacher (Untrained) on consolidated salary of Rs. 850/- per month, however, some persons who are having same qualification and appointed on the same terms and conditions through same advertisement and were getting the pay scale of trained teacher from their initial appointment.

Aggrieved with the disparity, petitioners approached this court for a direction to respondents to provide trained pay scale to the petitioners from the date of their initial appointment like other similarly situated persons, who are appointed in pursuance of the same advertisement.

This court on 30.04.2003 disposed of the writ petition filed by the petitioners with a direction to the respondents to pay the difference of pay to the petitioners within six weeks from the date of production of certified copy of the order.

In pursuance of the order passed by this court on 30.04.2003 respondent no. 1 passed order dated 21.10.2003 providing the regular pay scale to the petitioners from the date of their initial appointment. Consequently, Director of School Education, granted trained pay scale to the petitioners from the date of their initial appointment.

District Education Officer, Pithoragarh has prepared a seniority list for the purpose of promotion to the post of Assistant Teacher, Junior High School.

Learned counsel for the petitioners has submitted that names of the petitioners have been found at right place in the seniority list. However, other persons have been promoted by the respondents on the post of Assistant Teacher, Junior High School but petitioners have been left for the reasons best known to the respondents. In this connection petitioners have already moved representation dated 26.12.2006 before District Education Officer, Pithoragarh (Annexure no. 8 to the writ petition).

During the course of arguments, learned counsel for the petitioners has confined his prayer that writ petition may be disposed of with a direction to the respondent no. 4 to decide the representation of the petitioners in accordance with law within specified time.

The prayer is innocuous. Consequently, I direct the respondent no. 4 i.e. District Education Officer, Pithoragarh to decide the representation of the petitioners dated 26.12.2006 (Annexure no. 8 to the writ petition) within a period of six weeks from the date production of certified copy of this order.

With this direction, the writ petition as well as interim relief application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

February 28, 2007
SKSharma